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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,422	09/15/2003	Robert D. Crumpley	PHO178	8099
44088	7590	10/20/2006	EXAMINER	
SEAN KAUFHOLD P. O. BOX 89626 SIOUX FALLS, SD 57109			KOCZO JR, MICHAEL	
			ART UNIT	PAPER NUMBER
			3746	

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/661,422	CRUMPLEY, ROBERT D.
	Examiner	Art Unit
	Michael Koczo, Jr.	3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 15 September 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>09-15-03</u> .	6) <input type="checkbox"/> Other: ____.

## **DETAILED ACTION**

### ***Specification***

The disclosure is objected to because of the following informalities:

On page 2, line 26 and page 4, line 11, --wall-- should be inserted following “peripheral”.

Appropriate correction is required.

### ***Claim Objections***

Claims 1 and 10 are objected to because of the following informalities: in claims 1 and 10, line 2, --wall-- should be inserted following “peripheral”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 to 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 10 recite that the “housing·being camouflaged to appear as a poolside object”. This is vague and indefinite because the appearance of the housing is not clearly set forth. As recited, the housing could have any appearance.

Claims 2 to 4 do not further structurally limit a preceding claim because they merely recite the appearance of the housing.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 to 4, as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Semak (US 1,647,818) in view of Adahan (US 5,173,033). Semak discloses a housing having a top wall, a bottom wall and peripheral walls. An air compressor is mounted on the bottom wall. An air supply hose 39 is coupled to the compressor and extends through aperture 71 in the peripheral wall. However, Semak does not disclose a peripheral wall having a bottom edge having a peripheral lip thereon for receiving a peripheral edge of the bottom wall. Adahan discloses a housing for a compressor having a peripheral wall having a bottom edge having a peripheral lip thereon for receiving a peripheral edge of the bottom wall (figs. 1 and 6). This structure permits easy removal of the bottom wall and facilitates access to the housing interior. In view of this teaching, it would have been obvious to provide the housing of Semak with a peripheral wall having a bottom edge having a peripheral lip thereon for receiving a peripheral edge of the bottom wall. Characterizing the device as "toy inflating device" is merely a recitation of the intended use of the device. The air compressor of Semak is clearly capable of inflating toys.

Regarding claims 1 to 4, the ornamental appearance of an object is not patentably limiting in an utility patent application claim. The ornamental appearance of an object may be patented by filing a design patent application.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Semak in view of Adahan, as applied to claim 1 above, and further in view of Idesis et al (US 5,535,808). Idesis et al disclose a pump 34 connected to a hose 35 for inflating an object. A valve 33 is connected to one end of the hose for controlling the flow of air through the hose. In view of this teaching, it would have been obvious to provide the end of the hose 39 of Semak with a valve for controlling the flow of air through the hose.

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over, as applied to claim 5 above, and further in view of Krentz et al (US 6,094,773). Krentz et al disclose a compressor 18 in a housing. A power supply cord 62 extends through one aperture in the peripheral wall, and the hose 52 extends through another aperture in the peripheral wall. This structure simplifies the housing since it eliminates the door 70 of Semak. In view of this teaching, it would have been obvious to extend the power cord and hose of Semak through separate apertures.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Semak in view of Adahan, as applied to claim 1 above, and further in view of Armbruster (US 4,483,664). Armbruster discloses a fan contained in a housing. The housing has window with a mesh screen for filtering the inlet air to the fan. In view of this teaching, it would have been obvious to provide the housing of Semak, as previously modified, with a screened window for filtering the intake air.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Semak in view of Adahan, as applied to claim 1 above, and further in view of Lotz (US 2,285,215). Lotz discloses a compressor housing 62 having a bottom wall with elastomeric feet 4. The use of elastomeric

feet reduces vibration transmission to the supporting surface, and also prevents marring of the support surface. In view of this teaching, it would have been obvious to provide the bottom wall of the housing of Semak with elastomeric feet.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Semak in view of Adahan, Idesis et al, Krentz et al, Armbuster and Lotz, for the reasons as applied previously. Applicant has combined features which are well known in the art with no new or unobvious result being attained through their combination.

*Conclusion*

Any inquiry relating to patent applications in general should be directed to the Patent Assistance Center at 1-800-786-9199.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Koczo, Jr. whose telephone number is 571-272-4830. The examiner can normally be reached on M-Th; 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached at 571-272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Koczo, Jr.  
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